

Remarks:

The present amendment is in response to the office action dated November 22, 2005 in the above-identified patent application.

In the office action, claims 1-20 were pending, with claims 1-4, 8-12, 17 and 19 being rejected and claims 5-7, 13-15, 18 and 20 being objected to. Claims 1 and 5 remain in this application amended, and as claims 2-8 depend from amended claim 1, claims 2-8 are implicitly amended. Claims 9 and 13 are also amended, and as claims 10-16 depend from amended claim 9, claims 10-16 are also implicitly amended. In addition claim 17 is amended, and as claim 18 depends from amended 17, claim 18 is implicitly amended. Furthermore, claim 19 is also amended, and as claim 20 depends from amended 19, claim 20 is implicitly amended.

Summary of Examiner rejections and Applicant responses

Turning to the rejections over the prior art in the office action on page 2, paragraph 2, the Examiner rejected claims 1 and 9 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,116,434 to Bernstein. The Examiner states that Bernstein '434 discloses Applicant's claim limitations including: a "channel extension beam" (25), a "means for manually selectively rotatably clamping,..." (64). The Examiner also states that the preamble recitation of capability to perform an intended use ("adapted to assist in retaining a pair of doors in a closed state") does not patentably distinguish it from the structure of the prior art which is inherently capable of being used to assist in retaining a pair of closed doors. The Examiner further explains it has been held that a preamble

is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is self-contained description of the structure not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478 (CCPA 1951). Next, the Examiner states that it has been held that the recitation that an element is “adapted to” perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138. The Examiner goes on to explain that it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). The Examiner further states that the clamping structure of the reference is equivalent to that disclosed and is disclosed to perform the broadly-recited function. The Examiner states that the recitation of “by applying an external manual force in conjunction with manual forward or reverse rotation” has been considered as not clearly defining the “external manual force” in such a way as to distinguish from squeezing the knob of the prior art or otherwise applying the force inherently needed to ‘grip’ and rotate the knob. The Examiner states that the law of anticipation requires that a distinction be made between the invention described or taught and the invention claimed. Continuing, the Examiner states that it does not require that the reference “teach” what the subject patent teaches. Further, the Examiner states in assuming that a reference is properly “prior art,” it is only necessary that the claims under consideration “read on” something

disclosed in the reference, i.e., all limitations of the claim are found in the reference, or “fully met” by it. *Kalman v. Kimberly-Clark Corp.*, 218 USPQ 789. The Examiner also states that claims in pending application should be given their broadest reasonable interpretation. *In re Pearson*, 181 USPQ 641 (CCPA 1974).

In response to the aforementioned rejections by the Examiner, claims 1, 5, 9, and 13 are amended.

Regarding the rejection on page 3, paragraph 3, the Examiner rejected claims 1, 9, 17, and 19 under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 3,367,700 to Carnicero. The Examiner states that Carnicero '700 teaches Applicant's claim limitations including: a “channeled extension beam” (9), a “means for manually selectively rotatably clamping, ...” including (3), (4) where the interpretation of the claims' scope and meaning is generally parallel to that detailed above.

In response to the aforementioned rejections by the Examiner claims 1, 9, 17, and 19 are amended.

In the office action on page 4, paragraph 5, the Examiner rejected claims 2-4, 8, 10-12, and 16 under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,116,434 to Bernstein. The Examiner states that although Bernstein '434 does not explicitly list the beam being made from any of the specific materials listed, the reference does explicitly disclose use of “plastic” at column 3, line 33. The Examiner takes Official Notice that any one of the materials listed is well known to those of ordinary skill in the art would have found it an obvious design choice at the time of the invention to form the beam from any of the

materials to optimize corrosion resistance, cost, manufacturability, etc. where the choice of any one of the materials would not otherwise affect the function of the device. The Examiner further states that it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

In regards to claim 3, the Examiner states that although Bernstein '434 does not explicitly disclose the material of the different parts of the clamping means (65), it would have been an obvious choice or engineering expedient for one of the ordinary skill in the art at the time of the invention to form at least the handle (72) and/or pad (74) from any one of the listed materials where Examiner takes Official Notice that the materials are well known in the art for the material properties making them suitable for such use. The Examiner states that one of ordinary skill in the art would have more than a reasonable expectation of success since the proposed modification would not otherwise affect function of the device.

Further, in regards to claim 8 the Examiner states that although the reference does not disclose indicia on the handles to explain how to use the same, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the words "turn", "tighten", or an "arrow" as might be desired since this addition would not otherwise affect the function of the device and amounts to just a design choice, MPEP 2112.01.

In response, claims 1 and 5 are amended and as claims 2-4 and 8 depend from amended claim 1, claims 2-4 and 8 are implicitly amended. Additionally, claims 9 and 13 are amended and as claims 10-12 and 16 depend from amended claim 9, claims 10-12 and 16 are implicitly amended.

In the office action page 5, paragraph 6, the Examiner rejects claims 2-4, 8, 10-12, and 16 under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 3,367,700 to Carnicero. The Examiner states that although Carnicero '700 does not explicitly list the beam being made from any of the specific materials listed, the Examiner takes Official Notice that any one of the materials listed is well known to those of ordinary skill in the art for forming rigid structures whereby one of ordinary skill in the art would have found it an obvious design choice at the time of the invention to form the beam from any one of the materials to optimize corrosion-resistance, cost, manufacturability, etc. where the choice of any one of the materials listed would not otherwise affect function of the device.

As regards to claim 8, the Examiner states that although the reference does not disclose indicia on the handles to explain how to use same, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the words "turn", "tighten", or an "arrow" as might be desired since the addition would not otherwise affect function of the device and amounts to little more than a design choice.

In response, as mentioned above, claims 1 and 5 are amended and as claims 2-4 and 8 depend from amended claim 1, claims 2-4 and 8 are implicitly

amended. Additionally, claims 9 and 13 are amended and as claims 10-12 and 16 depend from amended claim 9, claims 10-12 and 16 are implicitly amended.

Turning to page 6, paragraph 7, the Examiner rejected claims 1-4, 8-12, 16, 17, and 19 under 35 U.S.C. 103(b) as being unpatentable over 3,367,700 to Carnicero in view of U.S. Pat. No. 5,579,561 to Smith. While it is the Examiner's position that Carnicero '700 anticipates/makes obvious for the reasons stated above, in hopes of expediting prosecution as much as possible the Smith '561 reference is cited for its teaching that it is well known in the art of turn knobs to provide a knob with means to prevent infants from effectively operating the knob. In that respect, the Examiner states that Smith '561 teaches a knob where an external compressive force in axial direction must be applied before rotation of the knob will be effective in operating (43). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the latch of Carnicero '700 with child safety turn knobs such as that shown in Smith '561 in order to prevent infants from effectively operating the knob as taught by Smith '561 in order to prevent a toddler from opening the doors to which the lock is applied.

The Examiner further states that although Carnicero '700 does not explicitly list the beam being made from any of the specific materials listed, the examiner takes Official Notice that any one of the materials listed is well known to those of ordinary skill in the art for forming rigid structures whereby one of ordinary skill in the art would have found it an obvious design choice at the time of the invention to form the beam from any one of the materials to optimize

corrosion-resistance, cost, manufacturability, etc. where the choice of any one of the materials listed would not otherwise affect function of the device. Finally in regards to claim 8, the Examiner states that although the reference does not disclose indicia on the handles to explain how to use the same, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the word "turn", "tighten", or an "arrow" as might be desired since the addition would not otherwise affect function of the device and amounts to little more than a design choice.

In response, claims 1 and 5 are amended and as claims 2-4 and 8 depend from amended claim 1, claims 2-4 and 8 are implicitly amended. Claims 9 and 13 are amended and as claims 10-12 and 16 depend from amended claim 9, claims 10-12 and 16 are implicitly amended. In addition, claims 17 and 19 are amended.

In the Office Action on page 7, paragraph 8, the Examiner indicated that claims 5-7, 13-15, 18, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Detailed explanation of reference teachings and amendment remarks

In the Office Action on page 2, paragraph 2, the Examiner rejected claim 1 because the preamble is drawn to a structure and the portion of the claim following the preamble is self-contained description of the structure which does not depend upon the introductory clause for completeness. The Examiner also

states that it has been held that the recitation that an element is “adapted to” perform a function is not a positive limitation but only requires the ability to so perform and it does not constitute a limitation in any patentable sense. The Examiner goes on to explain that it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus satisfying the claimed structural limitations.

In response the applicant has amended the preamble to claim 1 to delete “adapted to assist in retaining a pair of adjacent doors in a closed state, thereby to help protect against unauthorized opening of the doors by placing the doors into an open state”, thus shortening the preamble by removing the functional statements and moving the functional statements to the body of claim 1. Likewise, Claim 9 is amended to delete “adapted to assist in retaining a door in a closed state, thereby to help protect against unauthorized opening of the door by placing the door into an open state”, being the same as claim 1 above.

In the Office Action on page 2, paragraph 2, the Examiner further rejected claims 1 and 9 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,116,434 to Bernstein.

A 35 U.S.C. 102(b) rejection requires complete claim anticipation by a single reference, “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference.” *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Also, “The identical invention

must be shown in as complete detail as is contained in the...claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Plus, the elements must be arranged as required in the claim, however, identical terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Berstein '434 column 4, lines 22-37 teaches in referring specifically to Figure 3, the Clamping means (64) is operatively connected to the rear member (44) and extends inwardly of the inner wall (50) for releasably clamping the surface (15) of the door (12), such that the frame means (25) is fixedly secured to the door at a selected position thereon and may be readily removed from securement therewith by releasing the clamping means (65). In Bernstein '434, the clamping means (65) comprises a pair of spaced apart locking elements (66), each one of the locking elements (66) being independently adjustable and comprises a threaded section (68) extending in threaded engagement through the rear member (44) with a shoe (70) at one end of the threaded section (66) for abutting engagement with the surface (15) of the door (12) and a handle (72) at the opposite end of the threaded section (68) so as to facilitate adjustment thereof. Also, in Bernstein '434 it can be observed that when a rotational force is applied to clamping means (65) the adjustment of each one of the locking elements (66) is engaged and there is no freewheeling state of clamping means (65) when a rotational force is applied which has no child safety advantage.

In response, claims 1 and 9 are amended. Claim 1 subsection (a) is amended to add “wherein said beam is operational to substantially secure the

pair of adjacent door edges in the closed state.” Additionally claim 1 subsection (b) is amended to delete “wherein the door has increased protection against unauthorized opening, thus placing the door into a more secured closed state” and add “wherein said means for manually selectively rotatably clamping or unclamping when in a clamped state freewheels rotationally about a means rotational axis precluding manually selectively unclamping said beam from the door edge and wherein said means for manually selectively rotatably clamping or unclamping moves from said clamped state to an unclamped state when the external manual force is applied in conjunction with the manual reverse rotation, thus allowing unclamping of said beam from the door edge, thus said means for manually selectively rotatably clamping or unclamping is adapted to further substantially secure a pair of adjacent doors in a closed state, thereby to help protect against unauthorized opening of the doors by placing the doors into an open state”. Claim 9 subsection (a) is amended to add “wherein said beam is operational to substantially secure the door in the closed state.” Additionally claim 9 subsection (b) is amended to delete “wherein the door has increased protection against unauthorized opening, thus placing the door into a more secured closed state,” and add “wherein said means for manually selectively rotatably clamping or unclamping when in a clamped state freewheels rotationally about a means rotational axis precluding manually selectively unclamping said beam from the door edge and wherein said means for manually selectively rotatably clamping or unclamping moves from said clamped state to an unclamped state when the external manual force is applied in conjunction with

the manual reverse rotation, thus allowing unclamping of said beam from the door edge, thus said means for manually selectively rotatably clamping or unclamping is adapted to further substantially secure the door in the closed state, thereby to help protect against unauthorized opening of the door by placing the door into an open state.” to subsection (b) of claim 9.

For antecedent support of the amendment to claim 1, Applicant's Figure 8 displays that the beam (34) is operational to substantially secure a door or pair of adjacent doors in the closed state, without the means for manually selectively rotatably clamping or unclamping the beam to the door necessarily needing to be present. Likewise, Applicant's Figure 4 shows that the ratchet cap outer shell (43) will be in a freewheeling state about the means rotational axis 37, without applying the external manual force in conjunction with the manual forward or the manual reverse rotation respectively thus precluding unclamping. Furthermore, the description of the freewheeling state is given in the Applicant's detailed description paragraph 69 when the Applicant states “the means (36) only manually selectively clamping or unclamping the beam (34) from the door edge by applying an external force (42) in conjunction with forward (38) or reverse (40) rotation respectively.” Therefore, these amendments do not constitute new matter added to the application.

Bernstein '434 does not teach the securing of doors and can not be applied to cabinet doors. To modify or remove Bernstein '434 supporting means (75) to adapt the apparatus to a cabinet door would change the principle of operation of the assembly (10) which would implicitly teach away from modifying

Bernstein '434 to the applicant's claimed invention. The applicant's invention does teach the securing of doors into the closed state. Bernstein '434 includes a conventional clamping means (65) with no freewheeling state. The Applicant's ratchet cap outer shell (43) has two states, wherein one state is freewheeling and the other state engages the clamping acting as a safety device with two levels of the external manual force being higher and lower. Therefore, the amended claims 1 and 9 should overcome rejections under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,116,434 to Bernstein, as Bernstein does not teach retaining of a door in the closed state, with or without a clamp, nor does Bernstein teach a rotationally freewheeling clamp that is in the clamped state, thus the Applicant's amendments to claims 1 and 9 should overcome the 35 U.S.C. 102(b) rejections as against Bernstein.

In the Office Action on page 3, paragraph 3, the Examiner stated that claims 1, 9, 17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,367,700 to Carnicero. The Examiner states Carnicero '700 discloses limitations including: a "channeled extension beam" (9), a "means for manually selectively rotatably clamping ..." (3), (4).

Carnicero '700 teaches in regarding Figures 1 and 2, the screw is formed at the lower end with a shoulder portion cooperating with the shoulder of the stepped bore through the abutment member (4) so as to connect the screw (3) to the abutment member (4) turnable with respect thereto and movable in axial direction therewith (column 3, lines 5-10). Also, in Carnicero '700 the screw (3) therefore, forms means for holding the abutment member (4) in an active position

engaging the floor. A coil spring (6) is preferably provided about the screw (3) between the bottom face of the second transverse member (2) and the top face of the abutment member (4) and the coil spring (6) is biased so as to tend to keep the abutment member (4) in active position (column 3, lines 10-17). As seen in Bernstein '434, Carnicero '700 does not teach a rotationally freewheeling state of the screw (3), once a rotational force is applied in tightening or loosening direction to the screw (3) it presses or release the lamina (5) on the abutment member (4) against or away from the floor beneath the bottom of the two door wings (7) which allows for no child safety advantage.

In response, claims 1, 9, 17 and 19 are amended. The summary of amended claims 1 and 9 is stated above. Claim 17 is amended to add "to substantially secure the pair of adjacent door edges in the closed state" to subsection (b). Claim 17 is further amended to delete "placed into a more" and add "further substantially" to subsection (d). Claim 19 is amended to add "to substantially secure the door in the closed state" to subsection (b). Furthermore, claim 19 was amended to delete "placed into a more" and add "further substantially" to subsection (d). The amendments to both claims 17 and 19 are done to be in accordance with the amendments to claims 1 and 9 to emphasize that Applicant's beam alone can substantially secure the doors or a door in a closed state and that the clamp acts to further secure the doors or door in the closed state.

The Applicant's beam (34) acts as a primary protection device besides the secondary safety device of a clamp to secure the doors or door in the closed

state. The amended sections clarify the two states of the ratchet cap shell (43) where one state is freewheeling. Therefore, the Applicant's invention has two states for the means 36, wherein one is freewheeling about the means rotational axis 37 and the other engages or disengages the beam clamping the door with the lower or higher manual external force respectively in conjunction with the forward or reverse rotation. Carnicero '700 does not teach a freewheeling state of the screw and does not include any kind child safety advantage. Therefore, the amended claims 1, 9, 17 and 19 should overcome the 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,367,700 to Carnicero.

In the Office Action on page 6, paragraph 7, the Examiner rejects claims 1-4, 8-12, 16, 17, and 19 under 35 U.S.C. 103(b) as being unpatentable over 3,367,700 to Carnicero in view of U.S. Pat. No. 5,579,561 to Smith.

In establishing a prima facie case of obviousness under 35 U.S.C. 103 it is incumbent upon the Examiner to provide a reason why one of ordinary skill in the art would have been lead to modify a prior art reference or to combine reference teachings to arrive at the claimed invention. See *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Int. 1985). To this end, the requisite motivation must stem from some teaching, suggestion or inference in the prior art as a whole or from the knowledge generally available to one of ordinary skill in the art and not from the Applicant's disclosure. See, e.g., *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1052, 5 USPQ2d 1434 (Fed. Cir. 1991) (The teaching or suggestion to make the claimed combination must not be based on the Applicant's disclosure). For a proper rejection under 35 U.S.C. 103 all of the

claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) ("All words in a claim must be considered in judging patentability of that claim against the prior art."). Obviousness under 35 U.S.C. 103 can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references to themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1998). The proposed modification for combining or individually modifying the prior art references cannot change the principal of operation of the references, if the principal of operation of the references is changed, then the teachings of the references are not sufficient to render the claim prima facie obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). The motivation to modify the reference should manifest in some advantage or beneficial result. *In re Semaker*, 702 F.2d 989, 994-95, 217 USPQ 1, 5-6 (Fed. Cir. 1983). Further, it should be noted that if an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); MPEP §2143.03.

Smith '561 teaches that the device (20) is the child-proof locking assembly (34) which provides a means for tightening and locking the two clamp halves (25), (26) together (column 6, line 66 to column 7, line 2). In Smith '561 the

child-proof locking assembly (34) is pivotally attached to the locking end (35) of the clamp half (26) by the threaded closure pin (36). Also, in Smith '561 a slot or opening (37) is provided in the locking end (38) of the clamp half (25) for receiving the closure pin (36) as illustrated in FIGS. 5 and 6. Smith '561 shows a pin (41) provides the pivotal attachment between the threaded closure pin (36) and the locking end (35) of the clamp half (26) (column 7, lines 2-8). As best seen in Smith '561 in FIG. 5, the threaded closure pin (36) is accommodated in a slot (42) through which the pin (41) passes. Further, in Smith '561 turning to FIG. 6, to means for tightening and locking the two clamp halves (25), (26) together includes the cooperation of the child-proof knob (45) and the lower nut portion (43). In Smith '561 as shown in FIG. 6, when the two clamp halves (25), (26) are folded together into a clamping position, the knob (45) and closure pin (36) are pivoted upward as shown in FIG. 6 and the clamp halves (25), (26) are then forced together by the engagement between the lower nut portion (43) and the upper surface (44) of the clamp half (25) (column 7, lines 8-19). Smith's '561 operation of the child-proof locking assembly (34) is further illustrated with respect to FIGS. 9, 10 and 11 and specifically, referring to FIG. 9, a bottom view of the knob body (45) is provided. Additionally, in Smith '561 the lower surface (46) includes a bottom opening (47) which is of a configuration that will cooperate with the shape of the nut (43) to provide mateable engagement between the bottom opening (47) and the nut (43) with the operation of the child-proof locking assembly is only engaged as seen in FIG. 11, when the knob body (45) is pushed downward, to the bottom opening (47) to matably engage the nut (36) so

that the nut (36) will rotate in either direction when the knob (45) is rotated (column 7, lines 19-30). In Smith '561 a downward and rotational external force is needed to engage the knob (45). Essentially, in Smith '561 the child-proof locking assembly (34) acts as the primary (only) safety device and is dependent on the strength of the clamp half (25), (26) because if the child-proof locking assembly (34) fails, the device (20) is rendered useless. Whereas, in the Applicant's invention the clamping member (72) acts as a secondary safety device because upon the failure of the clamping member (72) the door security apparatus (20) is not rendered useless. The Applicant's secondary safety effect of the channel extension beam (34) is still acting to prevent the opening of the doors without the clamping member 72 in the clamped state. As amended the present invention also allows for a freewheeling state of means 36 about axis 37 that does not specifically require the directional downward force as required by Smith '561 for putting Applicant's beam in the secured state to substantially prevent the doors or door from going from the closed state to the open state, in other words Applicant does not absolutely require that the means 36 be in the clamped state to substantially keep the doors or door in the closed state. Thus, Applicant's apparatus secures the door(s) without the clamp as clarified in amended claims 1 and 9 subsection (a) and further secures the doors with the clamp as seen in amended claims 1 and 9 subsection (b). Wherein Smith '561 has no security without the clamp and is substantially inadequate with the clamp. For Smith '561, in the event of an auto accident the extreme deceleration of the baby seat that results in high tensile forces that the seat belt experiences will

very unlikely be held by the thumb screw tightening force of the Smith '561 clamp merely compressing the seat belt straps together in bearing friction, in addition due to the "soft" compressible nature of the seat belt strap, the Smith '561 clamp can not be properly preloaded in tension and will most likely not stay tight further adding to the questionable security of Smith '561 keeping the seat belt straps from sliding against one another in the event of an auto accident in Smith's '561 clamp. Additionally, in comparing the design strength of typical factory supplied seat belt components (i.e. straps, fittings, car frame attachments) Smith '561 is a weak link and most likely not capable of securing the belt in an accident, thus making Smith '561 as having a questionable ability to secure the belt. As far as combining the Smith '561 push down thumb screw with the Carnicero '700 beam, there would be no motivation to remove Smith '561 thumb screw for use in Carnicero '700 as Smith '561 would cease to function without the thumb screw which would destroy Smith's '561 principle of operation completely without the thumb screw. Thus Smith '561 implicitly teaches away from the aforementioned combination.

Therefore, in response, claims 1 and 5 are amended and as claims 2-4 and 8 depend from amended claim 1, claims 2-4 and 8 are implicitly amended. Also, claims 9 and 13 are amended and as claims 10-12 and 16 depend from amended claim 9, claims 10-12 and 16 are implicitly amended. In addition, claims 17 and 19 are amended as stated above. All the aforementioned amendments are to clarify that Applicant's beam substantially secures the door(s) in the closed state without the clamp which Smith '561 does not teach as

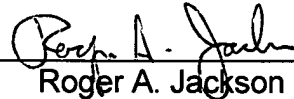
Smith '561 questionably relies upon the clamp alone to secure the seat belt, wherein Carnicero '700 does not teach the clamp in a clamped state having the ability to freewheel about a rotational axis, thus these amendments should overcome the 35 U.S.C. 103(b) rejection.

Applicant respectfully requests that a timely notice of allowance be issued in this case.

Respectfully submitted,

Roger A. Jackson, Esq.

BY: _____




Roger A. Jackson
USPTO Registration No. 44,797
USPTO Customer No. 24254
800 Pennsylvania, Suite 1504
Denver, Colorado 80203-3185
USA
Phone: (303) 271-9468
Fax: (303) 216-2967
Email: rogerjackson@ricochet.com
Website: www.jacksonesquire.com



CERTIFICATE OF MAILING UNDER 37 C.F.R §1.8

I hereby certify that the attached ***TRANSMITTAL OF RESPONSE TO OFFICE ACTION DATED NOVEMBER 22, 2005 AND RETURN RECEIPT POST CARD*** is being deposited with the United States Postal Service as prepaid first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 22nd day of March, 2006.



Roger A. Jackson